

**House File 2041 - Introduced**

HOUSE FILE 2041

BY RASMUSSEN

**A BILL FOR**

1 An Act eliminating construction contractor registration  
2 administered by the labor commissioner.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 10A.601, subsections 1 and 7, Code 2011,  
2 are amended to read as follows:

3 1. A full-time employment appeal board is created within  
4 the department of inspections and appeals to hear and decide  
5 contested cases under chapter 8A, subchapter IV, and chapters  
6 80, 88, ~~91C~~, 96, and 97B.

7 7. An application for rehearing before the appeal board  
8 shall be filed pursuant to section 17A.16, unless otherwise  
9 provided in chapter 8A, subchapter IV, or chapter 80, 88, ~~91C~~,  
10 96, or 97B. A petition for judicial review of a decision of the  
11 appeal board shall be filed pursuant to section 17A.19. The  
12 appeal board may be represented in any such judicial review  
13 by an attorney who is a regular salaried employee of the  
14 appeal board or who has been designated by the appeal board  
15 for that purpose, or at the appeal board's request, by the  
16 attorney general. Notwithstanding the petitioner's residency  
17 requirement in section 17A.19, subsection 2, a petition for  
18 judicial review may be filed in the district court of the  
19 county in which the petitioner was last employed or resides,  
20 provided that if the petitioner does not reside in this state,  
21 the action shall be brought in the district court of Polk  
22 county, Iowa, and any other party to the proceeding before the  
23 appeal board shall be named in the petition. Notwithstanding  
24 the thirty-day requirement in section 17A.19, subsection 6,  
25 the appeal board shall, within sixty days after filing of the  
26 petition for judicial review or within a longer period of  
27 time allowed by the court, transmit to the reviewing court  
28 the original or a certified copy of the entire records of a  
29 contested case. The appeal board may also certify to the  
30 court, questions of law involved in any decision by the appeal  
31 board. Petitions for judicial review and the questions so  
32 certified shall be given precedence over all other civil cases  
33 except cases arising under the workers' compensation law of  
34 this state. No bond shall be required for entering an appeal  
35 from any final order, judgment, or decree of the district court

1 to the supreme court.

2 Sec. 2. Section 84A.5, subsection 4, Code Supplement 2011,  
3 is amended to read as follows:

4 4. The division of labor services is responsible for the  
5 administration of the laws of this state under chapters 88,  
6 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, ~~91C~~, 91D, 91E, 92, and  
7 94A, and section 85.68. The executive head of the division is  
8 the labor commissioner, appointed pursuant to section 91.2.

9 Sec. 3. Section 91.4, subsections 2 and 6, Code Supplement  
10 2011, are amended to read as follows:

11 2. The director of the department of workforce development,  
12 in consultation with the labor commissioner, shall, at the  
13 time provided by law, make an annual report to the governor  
14 setting forth in appropriate form the business and expense of  
15 the division of labor services for the preceding year, the  
16 number of remedial actions taken under chapter 89A, the number  
17 of disputes or violations processed by the division and the  
18 disposition of the disputes or violations, and other matters  
19 pertaining to the division which are of public interest,  
20 together with recommendations for change or amendment of the  
21 laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,  
22 90A, 91A, ~~91C~~, 91D, 91E, 92, and 94A, and section 85.68,  
23 and the recommendations, if any, shall be transmitted by the  
24 governor to the first general assembly in session after the  
25 report is filed.

26 6. The commissioner may establish rules pursuant to chapter  
27 17A to assess and collect interest on fees, penalties, and  
28 other amounts due the division. The commissioner may delay  
29 or, following written notice, deny the issuance of a license,  
30 commission, registration, certificate, or permit authorized  
31 under chapter 88A, 89, 89A, 90A, ~~91C~~, or 94A if the applicant  
32 for the license, commission, registration, certificate, or  
33 permit owes a liquidated debt to the commissioner.

34 Sec. 4. Section 96.11, subsection 15, Code 2011, is amended  
35 by striking the subsection.

1     Sec. 5. Section 103.1, subsection 7, Code 2011, is amended  
2 to read as follows:

3     7. *“Electrical contractor”* means a person affiliated with an  
4 electrical contracting firm or business who is, or who employs  
5 a person who is, licensed by the board as either a class A or  
6 class B master electrician ~~and who is also registered with the~~  
7 ~~state of Iowa as a contractor pursuant to chapter 91C.~~

8     Sec. 6. Section 103.9, subsection 1, Code 2011, is amended  
9 to read as follows:

10    1. An applicant for an electrical contractor license shall  
11 either be or employ a licensed class A or class B master  
12 electrician, ~~and be registered with the state of Iowa as a~~  
13 ~~contractor pursuant to chapter 91C.~~

14    Sec. 7. Section 103A.20, subsection 1, Code 2011, is amended  
15 to read as follows:

16    1. ~~a.~~ If the plans and specifications accompanying an  
17 application for permission to construct a building or structure  
18 fail to comply with the provisions of building regulations  
19 applicable to the governmental subdivision where the  
20 construction is planned, the state or governmental subdivision  
21 official charged with the duty shall nevertheless issue a  
22 permit, certificate, authorization, or other required document,  
23 as the case may be, for the construction, if the plans and  
24 specifications comply with the applicable provisions set forth  
25 in the state building code, whenever such code is operative in  
26 such governmental subdivision.

27    ~~b.~~ ~~However, a permit, certificate, authorization, or other~~  
28 ~~required document for the construction of a building shall not~~  
29 ~~be issued to a contractor who is required and fails to obtain a~~  
30 ~~contractor registration number pursuant to chapter 91C.~~

31    Sec. 8. Section 105.5, subsection 3, paragraph a, Code  
32 Supplement 2011, is amended to read as follows:

33    a. The qualifications required for applicants seeking  
34 to take examinations, ~~which qualifications shall include~~  
35 ~~a requirement that an applicant who is a contractor shall~~

1 ~~be required to provide the contractor's state contractor~~  
2 ~~registration number.~~

3 Sec. 9. Section 105.18, subsection 2, paragraph d,  
4 subparagraph (1), Code Supplement 2011, is amended to read as  
5 follows:

6 (1) File an application and pay application fees as  
7 established by the board, which application shall ~~provide the~~  
8 ~~person's state contractor registration number and~~ establish  
9 that the person meets the minimum requirements adopted by the  
10 board.

11 Sec. 10. REPEAL. Chapter 91C, Code 2011, is repealed.

12 Sec. 11. TRANSFER OF FUNDS. Any funds remaining in the  
13 contractor registration revolving fund created by section 91C.9  
14 on the effective date of this Act shall be transferred to the  
15 general fund of the state.

16 EXPLANATION

17 This bill repeals Code chapter 91C, which requires  
18 construction contractors to register with the labor  
19 commissioner, imposes a registration fee, regulates registered  
20 contractors, and includes other related provisions. Any funds  
21 remaining in the contractor registration revolving fund created  
22 by Code section 91C.9 on the effective date of the bill are  
23 required to be transferred to the general fund of the state.